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LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 August 1992]

1. The International Human Rights Law Group, a non-governmental organization which seeks to promote the rule of law throughout the world, welcomes the decision of the Commission on Human Rights to convene swiftly to respond to an urgent crisis. This extraordinary session, called pursuant to Economic and Social Council resolution 1990/48 of 25 May 1990 has the opportunity to set an important precedent for dealing with acute, life-threatening situations. The grave deterioration of the human rights situation in the Republic of Bosnia and Herzegovina calls for immediate action, both to redress the continuing harm and to prevent the recurrence of similar violations.

2. The situation facing the Commission presents an egregious example of multiple human rights violations bound up in the policy of "ethnic cleansing". According to repeated and independently corroborated accounts, the Serbian-sponsored abuses include forced relocations, arbitrary detention, arbitrary and summary executions, destruction of homes and villages, patterns of rapes and beatings, and obstruction of access to international humanitarian aid.

3. Thus, it is evident from the information available that the "ethnic cleansing" syndrome involves violations of the most fundamental and non-derogable rights, including the rights to life, to freedom from torture and cruel inhuman or degrading treatment, and to freedom of religion. Reports also point to violations of the rights to liberty and security of person, food, adequate living conditions, health care and family unity. The vulnerability of victims of "ethnic cleansing" appears akin to the serious situations described in the analytical report of the Secretary-General on internally displaced persons (E/CN.4/1992/23) and the working paper of Ms. Christy Ezim Mbonu on population transfer (E/CN.4/Sub.2/1991/47).

4. Lessons learned from the tragedy of the Kurds in Iraq set helpful guidelines for responding effectively to the Bosnian situation. Especially pertinent are the recommendations of Max van der Stoel, the Commission's Special Rapporteur on Iraq, in his report to the Commission at its forty-eighth session (E/CN.4/1992/31). Mr. van der Stoel recommended that a team of human rights monitors remain in Iraq until the human rights situation had drastically improved in order to, among other things, investigate alleged violations of human rights, visit places of detention without prior notice, and move freely in the country. A team of some 50 human rights monitors in Bosnia and Herzegovina, given such a mandate, could similarly investigate alleged abuses, visit detention centres and report on the situation within several weeks.

5. Echoing the words of Mr. van der Stoel, "the Commission on Human Rights, confronted with such an intolerable situation, does not confine itself to condemnation alone. ... this exceptionally grave situation demands an exceptional response". (E/CN.4/1992/31, para. 156) Accordingly, the International Human Rights Law Group urges the Commission to:

(a) Condemn the gross violations of human rights occurring in Bosnia and Herzegovina;

(b) Appoint a team of human rights monitors, headed by a special rapporteur, to investigate and report on the situation of human rights in Bosnia and Herzegovina, and to report thereon to the Security Council, the Commission and the General Assembly at its forty-seventh session;

(c) Request the team to remain in Bosnia and Herzegovina until the human rights situation dramatically improves, and authorize the team to (i) move freely in any part of Bosnia and Herzegovina, (ii) investigate information concerning alleged violations of human rights, and (iii) visit, without prior notification and at the time of their choosing, places where persons are deprived of their liberty;

(d) Request the Secretary-General and the thematic human rights mechanisms, including the special rapporteurs or working groups on torture, summary or arbitrary executions, arbitrary detention and internally displaced persons, to give all necessary assistance to the special rapporteur and team of monitors;

(e) Call upon all States and parties involved in the situation to cooperate with the Commission's team;

(f) Place the situation of human rights in the former Yugoslavia, and in particular in Bosnia and Herzegovina, on the agenda of the Commission at its forty-ninth session.